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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,728	07/14/2003	Robert S. Block	003750-039	3635

7590 07/13/2004

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

SMITH, KIMBERLY S

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,728

Applicant(s)

BLOCK ET AL.

Examiner

Kimberly S Smith

Art Unit

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “access mechanism” and the “dock” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 9, insert - -and- - prior to “wherein”. Appropriate correction is required.

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3. Regarding claims 4, 5, 9, 10 and 15, the Applicant has claimed that the dispenser dispenses food in the forgoing claims. With regards to the field of endeavor to which this invention is directed, the term "dispense" is well known in the art to mean a device which is a charge-type feeder. It is suggested the applicant replace "dispenses" food with terminology such as - -permits access to the food- - as the device is stationed with a quantified amount of food and does not dispense more than that amount unless refilled by a secondary device.
4. Regarding claim 21, it is suggested - -of- - be inserted prior to "the dispenser" in line 2.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "the hatch mechanism" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is suggested the applicant replace "hatch" with - -access- - to obviate this rejection
8. With regards to claims 11-14, it is questioned as to what the normal response of the dispenser is that would allow one to know if it was responding differently thereto? The claims have been construed to mean *wherein the dispenser's response to the animal varies based upon the time of day, an ambient temperature, etc.*

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9. Regarding claim 22, it is unclear as to what is being claimed as the preamble is directed to a singular dispenser and the body of the claim is directed to more than one dispenser. The claim has been construed to mean *The dispenser of claim 5, wherein the dispenser is capable of communication with at least one secondary dispenser having at least the same capability, so as to act in concert to stimulate the animal.*

Allowable Subject Matter

10. Claims 1-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art teaches the use of a shell and a controller in combination with a food dispenser wherein a drive motor is used to move a food dispenser across a surface (reference Riba, US 3,874,314). However, Riba and the prior art do not teach that the drive motor is capable of moving the food dispenser at differing speeds and directions in response to a controller. The prior art also teaches the use sensors to actuate a device when the sensor detects the presence of an animal (reference Mayfield et al. US 5,657,721 and Adler, US 4,391,224). However, these prior art reference do not provide a teaching or motivation to modify these devices to be compatible with a food dispensing means. The prior art does teach the use of an animal sensor to permit access to a feeding device (Lanfranchi, US 5,669,328). However, Lanfranchi does not provide motivation or a teaching that the motor is capable of moving the dispenser across a surface at different speeds and directions. Therefore, while the prior art teaches a plurality of the instant inventions

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objectives, they do not provide motivation to combine these references in such a manner as to comprise the Applicant's invention as claimed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reed (US 6,076,226), Leason et al. (US 6,044,797), Markowitz (US 5,765,508), Lanfranchi (US 5,669,328), Mayfield et al. (US 5,657,721), Deutsch et al. (US 5,129,361), Adler (US 4,391,224), Yokoi (US 4,306,329), Riba (US 3,874,341).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday 10:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER